

Attorney Docket No. MSU 4.1-672  
Appl. No. 10/725,214  
Amdt. dated: March 9, 2007  
Reply to Office Action of January 10, 2007

### **REMARKS/ARGUMENTS**

Claims 1 and 5-10 are pending in the application. Claims 2-4 were canceled. Claims 8-10 were withdrawn from consideration. Claims 1 and 5-7 were rejected. Claim 1 and 7 are currently amended.

#### ***Claim Rejections- 35 U.S.C. §112***

(1). Claims 1 and 5-7 were rejected under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for an *in vitro* method for inhibiting the proliferation of colon cancer cells and stomach cancer cells, does not reasonably provide enablement for a method for *in vivo* inhibition in a mammal.

The cell lines HCT-116 and AGS in the Examples set forth in the specification are recognized as correlating to the specific conditions of human colon cancer and human stomach cancer, respectively. An *in vitro* or *in vivo* animal model example in the specification, in effect, constitutes a "working

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example" if that example "correlates" with a disclosed or claimed method invention. The existence of working examples is evidence which must be considered when determining when a disclosure satisfies the enablement requirement. The test of enablement is not whether any experimentation is necessary, but whether if experimentation is necessary, it is undue. *In re Angstadt*, 537 F.2d 498, 504, 190 USPQ 214, '219 (CCPA 1976). The experimentation necessary in this case is not believed to be undue. Reconsideration of the rejection is requested.


(2). Claim 7 was objected to because of the following informalities: There is an apparent typographical error in line 2.

Claim 7 is amended as suggested by Examiner in the Final Office Action of January 10, 2007. It is believed that this overcomes the objection.

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The claims were amended as discussed in a telephone conversation between Attorney Steven Merritt, Registration No. 52026, and Examiner Michele C. Flood on March 8, 2007. It is believed that the claims as amended present the rejected claims in better form for consideration on appeal. Entry of the amendments for purposes of appeal is requested.

Respectfully,

  
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